

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

v.

SUSAN MCDANIEL

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CASE NO: 1:07-CR-309-MHT

**DEFENDANT'S UNOPPOSED MOTION TO WAIVE RIGHTS UNDER
INTERSTATE AGREEMENT ON DETAINERS AND BE RETURNED TO
TUTWILER CORRECTIONAL FACILITY DURING THE PENDENCY OF
FEDERAL CRIMINAL PROCEEDINGS**

COMES NOW, the defendant, Susan McDaniel, by undersigned counsel, and, waiving her rights under the Interstate Agreement on Detainers, hereby moves this Honorable Court for an Order directing that she be returned to Tutwiler Correctional Facility, the Alabama state correctional institution from which she was brought into federal custody, until it is necessary to return her to federal custody to dispose of the instant matter.

In support of this motion, Ms. McDaniel would show the following:

1. A six count Indictment was filed on December 5, 2007 charging Ms. McDaniel with violating federal criminal law. It alleged that on or before March 3 & March 5, 2007, in Henry County, that she stole mail from a United States mail depository in violation of 18 U.S.C. 1708. It also alleged she then altered certain checks and used them to defraud banks in Henry County on March 3 & March 5, 2007 in violation of 18 U.S.C. 1344.

2. Ms. McDaniel has been incarcerated since approximately April 2007 and is serving a twenty year sentence in the custody of the Alabama Department of Corrections. Her release date is April 15, 2027. She continues to serve that sentence and is incarcerated

at Tutwiler Correctional Facility, in Wetumpka, Alabama. This facility is approximately 20 miles from the United States Marshal office at 1 Church Street.

3. Currently, Ms. McDaniel is in the custody of the United States Marshal Service at the Autauga County Jail in Prattville, Alabama. This facility is approximately 16 miles from the United States Marshal's office at 1 Church Street.

4. At the time Ms. McDaniel was picked up from Tutwiler by the United States Marshal Service, she was receiving a 9 month course of treatment for exposure to tuberculosis and monthly liver screening for Hepatitis C.

5. On February 25, 2008, Ms. McDaniel appeared for a Change of Plea Hearing pursuant to Rule 11(C) before the Court. At that proceeding, Ms. McDaniel entered a plea of guilty to Count 6. Pursuant to a Plea Agreement the Government will dismiss Counts 1-5 at the Sentencing Hearing.

6. On February 28, 2008, this Court Ordered that Ms. McDaniel's Sentencing Hearing be set at 10:00 a.m. on May 21, 2008 before the Honorable Myron H. Thompson.

7. Counsel for the government does not oppose Ms. McDaniel's return to state custody prior to the disposition of the federal criminal matter, so long as Ms. McDaniel waives any applicable rights under the Interstate Agreement on Detainers and cannot receive all medical treatment required by her conditions.

8. Ms. McDaniel has contemporaneously filed her waiver of her rights pursuant to the Interstate Agreement on Detainers Act.

9. Because it would be mutually advantageous to the prisoner and the government

to return Ms. McDaniel to state custody prior to the conclusion of this matter and because Ms. McDaniel expressly waives her rights under Article IV(e) of the Interstate Agreement on Detainers, *Alabama v. Bozeman*, 533 U.S. 146, 156 (2001), this Court has authority to order the United States Marshal Service to return Ms. McDaniel to state custody at Tutwiler Correctional Facility prior to her sentencing in the federal matter. Defendant asks that this Court exercise that authority and so order.

WHEREFORE, defendant prays that this Motion be granted.

Respectfully submitted, this the 14th day of March, 2008.

Respectfully submitted,

s/ Michael J. Petersen

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CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Jerusha Adams, Esq., Assistant U.S. Attorney, 131 Clayton Street, Montgomery, AL 36101.

s/ Michael J. Petersen
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